

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 10 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

GREG GIANFORTE, in his official capacity
as Governor of Montana; MONTANA
DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION,

Plaintiffs-Appellees,

v.

BUREAU OF LAND MANAGEMENT; et
al.,

Defendants-Appellants.

No. 20-36129

D.C. No. 4:20-cv-00062-BMM
District of Montana, Great Falls

ORDER

Before: SCHROEDER, TASHIMA, and HURWITZ, Circuit Judges.

The parties jointly move for summary disposition of this appeal, arguing that the case has become moot and requesting partial vacatur of the district court's judgment (Docket Entry No. 21). We agree that this case has become moot and accordingly dismiss this appeal. *See Ctr. for Biological Diversity v. Lohn*, 511 F.3d 960, 963-64 (9th Cir. 2007).

We deny, however, the parties' request for partial vacatur of the judgment and instead remand this case to the district court to determine in the first instance whether and to what extent its judgment should be vacated. *See Cammermeyer v. Perry*, 97 F.3d 1235, 1239 (9th Cir. 1996).

REMANDED.